



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

March 14, 2005

Mr. Bob Fitzgerald
Remedial Project Manager
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

ADEQUACY OF LAND USE CONTROLS AT THE McCOLL SUPERFUND SITE, FULLERTON, CALIFORNIA

Dear Mr. Fitzgerald:

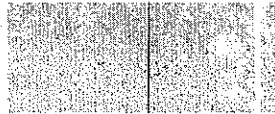
This is to follow up on your May 25, 2004 letter regarding the adequacy of the land use controls (LUCs) at the McColl Site under the January 13, 1997 Consent Decree (CD) between U.S. EPA and the property owner, McCauley LCX Corporation. DTSC reviewed the Record of Decision (ROD) for the Source Operable Unit, dated June 1993, and the CD to ensure compliance with California Code of Regulations, title 22, section 67391.1, adopted on April 19, 2003 (Land Use Covenant Regulations). The ROD identified institutional controls as a component of the McColl remedy and required that the property owner McCauley LCX enter into a Consent Decree. The CD was executed and recorded with the Orange County Assessors Office on January 28, 1997. The CD requires approval from the U.S. Environmental Protection Agency before construction or other site modification activities can occur. The CD also requires that McCauley LCX provide DTSC copies of any request to construct or modify the site conditions.

Based upon our review of the land use controls contained in the January 1997 Consent Decree, DTSC finds them to be consistent with the requirements of the Land Use Covenant Regulations, as well as the land use covenant provisions of Section 1471 of the Civil Code.

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If you have any questions regarding this letter, please contact Dr. Jacalyn Spizman at (714) 484-5460 or me at (714) 484-5459.

Sincerely,



Thomas M. Cota, Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Mr. Dave Seter
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